

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL DOCKET NUMBER:

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY
LITIGATION**

3:16-md-2738-FLW-LHG

**STATUS CONFERENCE
VIA REMOTE ZOOM
VIDEOCONFERENCE**

Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608
July 21, 2021
Commencing at 11:30 a.m.

B E F O R E:

**THE HONORABLE FRED A. L. WOLFSON,
CHIEF UNITED STATES DISTRICT JUDGE**

A P P E A R A N C E S:

MOTLEY RICE LLC
BY: DANIEL R. LAPINSKI, ESQUIRE
210 LAKE DRIVE EAST, SUITE 101
CHERRY HILL, NJ 08002
For the Plaintiffs

ASHCRAFT & GEREL, LLP
BY: MICHELLE A. PARFITT, ESQUIRE
1825 K STREET, NW
WASHINGTON, DC 20006
For the Plaintiffs

BEASLEY ALLEN LAW FIRM
BY: PATRICIA LEIGH O'DELL, ESQUIRE
218 COMMERCE STREET
P.O. BOX 4160
MONTGOMERY, AL 36104
For the Plaintiffs

Carol Farrell, Official Court Reporter
cfarrell.crr@gmail.com
856-318-6100

Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 A P P E A R A N C E S (Continued):

2

3 COHEN, PLACITELLA & ROTH, PC
4 BY: CHRISTOPHER M. PLACITELLA, ESQUIRE
5 127 MAPLE AVENUE
6 RED BANK, NJ 07701
7 For the Plaintiffs

8

9 FAEGRE DRINKER BIDDLE & REATH LLP
10 BY: SUSAN M. SHARKO, ESQUIRE
11 JESSICA LEIGH BRENNAN, ESQUIRE
12 600 CAMPUS
13 FLORHAM PARK, NJ 07932
14 For the Defendant, Johnson & Johnson and
15 Johnson & Johnson Consumer Companies, Inc.,
16 now known as Johnson & Johnson Consumer Inc.

17

18

19 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
20 BY: JOHN H. BEISNER, ESQUIRE
21 1440 NEW YORK AVENUE, N.W.
22 WASHINGTON, DC 20005
23 For Defendants, Johnson & Johnson and
24 Johnson & Johnson Consumer Companies, Inc.,
25 now known as Johnson & Johnson Consumer Inc.

26

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28 A L S O P R E S E N T:

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30 The Honorable Joel Schneider (Retired), Special Master

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1 (PROCEEDINGS held via remote Zoom videoconference
2 before The Honorable Freda L. Wolfson, Chief United States
3 District Judge, at 11:30 a.m.)

4 THE COURT: Good morning, everyone.

5 RESPONSE: Good morning.

6 (Discussion held off the record.)

7 THE COURT: Everyone else is here. I see
8 Mr. Placitella, Ms. Sharko, Mr. Beisner, Ms. Parfitt,
9 Ms. Brennan, and Ms. O'Dell. Okay. And Judge Schneider is on
10 with us as well this morning, who I invited.

11 So, first thing, everyone looks well so I guess
12 everyone is doing fine, right? Good.

13 My preliminary question is when I saw some of the things
14 you want to discuss with me, is there a reason that you think
15 you want me to resolve these issues as opposed to Judge
16 Schneider?

17 MS. PARFITT: Your Honor, if I can speak, Michelle
18 Parfitt. Good morning.

19 No, I don't see any reason why we can't take these up
20 with Judge Schneider. What they have to deal with, frankly,
21 scheduling issues, who should be deposed, the content, the
22 depth. As you know, we had extensive depositions back right
23 before the *Daubert* hearing on many of the individuals that J&J
24 wishes to redepose so -- and, obviously, we have differences of
25 opinions as to whether or not that should happen, since Your

1 Honor allowed very extensive depositions and then a *Daubert*
2 hearing and then a cross-examination. So we need to talk about
3 that.

4 There are some experts with -- that are case-specific
5 and, of course, J&J's entitled to explore those case-specific
6 opinions.

7 But I see no reason why we couldn't schedule a time
8 with Judge Schneider and we could probably walk through these.

9 But Ms. Sharko had asked that Your Honor, and because
10 you had been presiding, obviously, over the *Daubert*
11 proceedings, we didn't not want to say hello and ask you, but I
12 think, you know, if Judge Schneider is available, we can do
13 that too. So ...

14 MS. SHARKO: Well, we thought it was the proper
15 procedure to reach out to Your Honor.

16 THE COURT: Okay.

17 MS. SHARKO: The most important thing is to have quick
18 rulings on these issues. They're not hard issues. We were
19 pretty surprised when Ms. Parfitt said no, you can't depose our
20 experts, and we're now burning time in the schedule I think
21 both sides really want to adhere to.

22 We were supposed to be deposing the plaintiffs'
23 experts between July 3 and August 27, and it's now July 21; we
24 don't have a date for a single one. So whether you resolve it
25 or Judge Schneider resolves that first issue, it's up to Your

1 Honors.

2 MS. PARFITT: If I can correct one thing. We have not
3 taken the position that J&J cannot take our experts'
4 depositions.

5 Two, we did not, we did not -- the time period, the
6 reason the time period is an issue right now is that Ms. O'Dell
7 and I approached Ms. Sharko back in April and said there were
8 trials scheduled in July, and would J&J consider taking the
9 depositions of certainly the obstetrician/gynecologists
10 earlier, so that we would avoid the problem that we are in
11 right now, where we have some experts that are actually in
12 trial. So I just want to be clear. We are not objecting to
13 expert depositions. Clearly, J&J is entitled to take, you
14 know, the case-specific.

15 I think where the parties' divide is, frankly, the
16 when, the scope, and that sort of thing, all things that we
17 should be able to work out, that I had hoped, frankly, that we
18 wouldn't have to ask either your help or, frankly, Judge
19 Schneider's help.

20 MS. SHARKO: So --

21 MS. PARFITT: We've arrived at a position that we're
22 in, I guess we can't agree, and maybe -- so I just don't want
23 to be misquoted as to the position of the plaintiffs.

24 What we did say is that if you intend to take the
25 deposition of perhaps Dr. McTiernan again or Dr. Siemiatycki,

1 they were general causation experts that have been deposed
2 extensively, they went through a *Daubert* proceeding, and,
3 frankly, Your Honor ruled with regard to the scope of their
4 testimony in this case. They are not giving case-specific
5 opinions. So that seemed to not make much sense. Some of the
6 experts, we have already talked this morning that there are
7 some we can provide in August.

8 So, again, I don't know, Your Honor, how in depth you
9 want us to go, but I just don't like being misquoted that I
10 said we have taken the position that we are not permitting any
11 expert depositions. That's just not it. And I think --

12 THE COURT: So let me just set the stage for this a
13 moment.

14 MS. PARFITT: Sure.

15 THE COURT: If it's an issue of when, how, where, then
16 no doubt case-specific experts are going to be taken. I will
17 leave to Judge Schneider to work scheduling if you have issues
18 with regard to it.

19 If there is an issue with regard to general causation,
20 Ms. Sharko, let me hear what the deal there is, please.

21 MS. SHARKO: Sure. First of all, Ms. Parfitt refers
22 to a request that the plaintiffs made in April. They said
23 their two gynecologic oncology experts would be on trial in the
24 summer; would we consider taking their depositions earlier, if
25 we got the reports earlier? And I told her no, because we need

1 all the reports. We don't just want those reports in a vacuum.
2 That request was limited to two experts, and you know what?
3 One of them isn't even involved in trials this summer,
4 Dr. Clarke-Pearson. It's only Dr. Wolf, and she's testifying
5 in one trial.

6 Now, to go to the substance of the issue, the
7 depositions that were taken two years ago of the
8 non-case-specific experts were laser focused on issues that
9 would be addressed in the *Daubert* hearing. These experts had
10 reports in many instances of over a hundred pages. The idea
11 that you could depose any of these experts completely on all of
12 their opinions in seven hours was beyond ambitious, but we
13 agreed to one day per expert, and we took the depositions.

14 We need to go back now and take the depositions with
15 the focus on case-specific experts and case-specific issues,
16 and how the general issues interact with those issues.

17 THE COURT: Well, let me ask you -- go ahead,
18 Ms. Sharko. I'll ask my question after you're done. Go ahead.

19 MS. SHARKO: Sure. Thanks.

20 A lot has happened in the last two years. There's
21 been more epidemiology and more powerful epidemiology,
22 specifically, the O'Brien study, Health Canada came down with
23 its position on the regulation of talc, for better or for
24 worse. The company made the decision to take the product off
25 the market, for commercial and legal advertising reasons. I

1 know the plaintiffs disagree with that. And there was the
2 issue of the FDA's position that they found asbestos in one
3 bottle or one lot, and the company took that particular lot off
4 the market.

5 So it's not like we took these depositions last week
6 or last month or yesterday. They were a couple years ago. All
7 those things have happened. We're not going to repeat stuff.
8 We're grown-ups. We're going to use our time wisely. But we
9 do think we should be allowed to have one seven-hour deposition
10 of each expert on the non-case-specific experts.

11 MS. PARFITT: Your Honor, may I respond to one part of
12 that?

13 THE COURT: Yes.

14 MS. PARFITT: And I think Ms. O'Dell would as well.

15 With regard to the new material that Ms. Sharko was
16 referencing, that is all true; all that has happened in the
17 last two years. Importantly, though, it has not changed the
18 experts' opinion which was exhaustively examined. Does talcum
19 powder cause -- can it cause ovarian cancer? That was their
20 general causation opinion. Of course, there has been
21 additional evidence. But what we did is we went ahead and
22 amended, as Your Honor I think -- we amended those reports to
23 reflect their review of that material, with the same
24 conclusion, with the same opinion.

25 So, in an inquiry to Ms. Sharko, I did ask, if you

1 intend to take a deposition, are you making an inquiry of that
2 which has been talked about prior to O'Brien, asbestos in the
3 product, Health Canada -- and you correct me if I'm wrong -- my
4 understanding was that you were not necessarily going to limit
5 your examination to those areas that were supplemented in the
6 report.

7 And, again, so it is very clear, Your Honor, the
8 opinions of those experts have not changed. Have they moved
9 forward, as all experts do, and looked at new material? The
10 world is changing. Our world changed dramatically in the last
11 two years. So did they look at other material? Yes. Did
12 their opinions change? No. Are their opinions the same? Yes.
13 Are they further buttressed by much of this material? Oh, yes.
14 But their opinions are the same. So I just wanted to comment
15 with regard to that.

16 I know Ms. O'Dell had written the letter with regard
17 to the case specifics, and she might want to address that.

18 THE COURT: Well, let me deal with the general
19 causation first, case-specific.

20 My view is, particularly if they have supplemented
21 reports, even though their opinions may not have changed, but
22 if they have now said we've looked at these but are relying on
23 these as well, I would give the defendant an opportunity to
24 explore that. But it's not opening up, Ms. Sharko, to what
25 they relied on before or opening up their deposition generally,

1 but it says to what they're now going to indicate and testify
2 that they reviewed since those reports issued, since,
3 obviously, as well, by the time they would ever testify at a
4 trial, they would want to talk about these, and I don't want to
5 come up at trial and say, well, I never got a chance to depose
6 you on those. So yes, I will permit it.

7 I don't see that it needs to be seven hours. If it
8 took seven hours the first time, and we're talking about
9 supplemental material and testing their opinions and why they
10 remain the same, I'm going to give you four hours, please, to
11 each of those. I don't know who they are, how many they are.
12 So yes, you can.

13 MS. SHARKO: Thank you.

14 THE COURT: Turning to case-specific, obviously, those
15 should be occurring, and Ms. O'Dell, what's the issue there?

16 MS. O'DELL: Judge, obviously, with the pandemic,
17 there have been a number of trials that have been reset. It's
18 been very --

19 (The court reporter requested clarification.)

20 THE COURT: We are having a hard time hearing you,
21 Leigh. I don't know why. It's almost a little freezing,
22 coming in and out, there is a hesitation.

23 MS. O'DELL: I'm sorry. I'm sorry, Judge. I hope
24 that's better.

25 THE COURT: No. You know what we have found sometimes

1 that's worked very well? Maybe if you do the dial-in on your
2 phone and we can get your audio on the phone. Oops, she left
3 us.

4 MS. PARFITT: Your Honor, if I may, I will go ahead
5 and text her to see if she can dial in.

6 MS. O'DELL: Yes, ma'am. Can you hear me better now?

7 THE COURT: Yes, that's fine. I don't have to see the
8 video.

9 MS. O'DELL: Just give me one moment.

10 THE COURT: Actually, I'm hearing you okay right now
11 so let's try again. You know what it is? It's when you put
12 your video on that we have a problem. So take your video off
13 and try and talk to us again.

14 MS. O'DELL: How is that?

15 THE COURT: Very good. So let's just do it that way.
16 We won't get to see your expressions, you want to make faces,
17 just go right ahead, we don't see you, but you can just talk to
18 us.

19 MS. O'DELL: I'm just smiling, Judge.

20 Actually, I'm in trial actually in St. Clair County,
21 Illinois, right now, I just stepped out of the courtroom, so we
22 have a number of trials that have been -- that one after the
23 other, even going to Philadelphia, and we knew this was coming
24 post-pandemic when things were set at once. And so that's why
25 in April, anticipating this, I wrote to Ms. Sharko and said we

1 know this is coming, there is going to be experts in these
2 trials, it will be very difficult, and, frankly, it's experts
3 involved in the trials and it's the people that work with these
4 experts, and that's really important that they put them up.

5 And so I offered on April 27th to give dates earlier
6 to try to get these done in advance, and this doesn't happen in
7 a vacuum, Judge. These case-specific-type expert reports have
8 been disclosed in probably -- [no audio] as well as State Court
9 as well as Federal Court now, and so the bottom line is what
10 I've offered through Ms. Parfitt [no audio].

11 THE COURT: We lost you. You know, let's go to you
12 dialing in on the phone. Do you have all the info you could
13 use to dial in?

14 MS. O'DELL: Yes, ma'am. I will dial in.

15 THE COURT: Okay, thanks.

16 MR. PLACITELLA: The technology is not as good in
17 Illinois.

18 THE COURT: That must be it. By the way, you are
19 talking to a group here, between Jackie and Carol, we just
20 finished a seven-day patent trial yesterday afternoon that was
21 chock-full of chemistry like you can't believe, so there is
22 nothing you could throw out to me today that I can't handle.
23 All right? An all-remote patent trial, my third one since
24 October, and it went so amazingly well, seamlessly, and the
25 attorneys even said at the end they would like to continue

1 these patent trials in this fashion, these bench trials. I
2 think they're highly preferable to being in court. We have
3 50-some people on our Zoom, and particularly when you get
4 confidential information, the idea that you would have to empty
5 your courtroom, instead, we had consultants that were running
6 this for us, and within a couple of seconds, they had removed
7 everybody from the proceeding that couldn't hear the
8 information; bring them back in, bring them out. Half an hour
9 for lunch, that's it. Everybody is in their seat when they
10 need to be. Witnesses didn't have to travel from India, Japan,
11 California, Florida, England. It was three of these done, down
12 the tube now for me, and they're terrific that way. Not a jury
13 trial, but a bench trial. Anyway --

14 MS. O'DELL: Judge, I'm back, so I hope you can hear
15 me.

16 THE COURT: Good, I hear you well now, so go ahead.

17 MS. O'DELL: Thank you.

18 So my point, Judge, is we certainly agree that these
19 case-specific experts need to be examined on their
20 case-specific opinions, and so what we had proposed is -- the
21 deadline currently is August the 27th, and what we proposed is
22 instead of having that as a deadline, because I will be in
23 trial up until I think August 26th, we proposed an extension to
24 the first two weeks of September, and we -- so I guess that the
25 bottom line is we know they need to be deposed, we're working

1 with J&J. We just need some additional time because of trial
2 settings to do that. Your Honor?

3 MS. PARFITT: I think we lost the judge. Oh, she's
4 back.

5 MR. PLACITELLA: That's when you know your argument
6 has been rejected, Leigh.

7 (Laughter.)

8 THE COURT: I'm back in now. I signed out and in
9 again. I don't know what happened.

10 Okay. So, Leigh, start again.

11 MS. O'DELL: Okay, Judge, I'm not sure where we
12 dropped off because I can't see you anymore.

13 But the bottom line is what we have asked for is an
14 additional time in early September, the first two weeks of
15 September, to try to get these depositions done. That will
16 allow us to get out of trial on I believe August the 26th or
17 '7th, in that time frame, and for us to be able to do this. We
18 know that depositions need to occur. We just need some
19 flexibility because of the trials.

20 THE COURT: Okay. Well, at this point we're at the
21 end of July. Is the world going to end, I don't know,
22 Ms. Sharko, if you have to wait until the beginning of
23 September? Somehow, I don't think so.

24 MS. SHARKO: So the problem is that we still don't
25 have dates for anyone.

1 Ms. Parfitt raised the possibility of an extension to
2 me for the first time about two hours ago, and I mean, it
3 depends. The experts who are involved in the trials this
4 summer are all professional witnesses. That's all they do now
5 is testify. Dr. Plunkett; Dr. Godleski is retired and he's a
6 professional witness. Dr. Longo of course is a professional
7 witness. And then I understand Dr. Wolf is testifying in the
8 Philadelphia trial but not in the Illinois trial.

9 So, yes, I mean, if a deposition or two had to schlep
10 over into the week of August -- I guess it's 30 -- 30? -- I'm
11 sure the parties can work together on that. Much beyond that,
12 it really impacts the schedule that we have. And, again,
13 it's -- how many experts are we talking about?

14 MS. PARFITT: Your Honor, if I may respond. The
15 defendants have until 10-15 as the current schedule exists to
16 take their case-specific experts, for them to be deposed, and
17 as I indicated to Susan this morning, obviously, if this grace
18 was given to us, we would obviously give them an extension and
19 try not to delay anything. We have no desire to delay the
20 dates.

21 I also explained to Ms. Sharko that Dr. Plunkett, who
22 is one of the individuals they would like to depose, we would
23 like to cross-notice her deposition. She's already being
24 scheduled or in the process. The dates were submitted for the
25 10th and 11th of August, to be taken in a State Court case, and

1 we felt, well, that would make sense to go ahead and
2 cross-notice, so that in the MDL we would have one deposition
3 with regard to any supplemental material that she looked at.
4 So that's one in the works.

5 And then I also believe that Dr. Allen Smith might
6 also -- there may be some dates that we can give to the Court
7 and to J&J. So we're not trying, again, to drag it out. If we
8 get availability for these experts, that is exactly what we're
9 trying to do.

10 The Court might also be aware that -- I mean, Labor
11 Day is the 3rd of September and it goes through the 6th, that
12 long weekend. So we have to factor that in for some of our
13 experts. They are doing their best to accommodate.

14 Ms. Sharko asked us to get three dates for each one of
15 the experts. We have been out there trying to do that, trying
16 to accommodate. This is not a stalling mechanism. It is just
17 a reasonable request that we be given a little bit of time so
18 that we can accommodate all of the needs of J&J, and, frankly,
19 some trial schedules that we anticipated might present a
20 problem, and tried to do something about it earlier in the
21 year. So, again --

22 THE COURT: So let me tell you where we are. And I
23 don't really want to get into the nitty-gritty of this, so I'm
24 going to refer to Judge Schneider who is on the line. And he's
25 also happy, I'm sure, to stay on with you today and talk about

1 this a little further and try and bear down on this.

2 But the other question is narrowing the list of 24
3 experts, and that's going to be important, and that has to be
4 done in quick fashion. So I'll let him work out a schedule
5 with all of you.

6 But I think what I want to put on your horizon, even
7 though we have a conference scheduled towards the end of the
8 summer to talk about trial, I can tell you what I'm looking at
9 right now, which is scheduling a bellwether trial in April
10 2022. I'm not going to put it on in the winter months. One,
11 I'm still cleaning up criminal cases; and, two, I don't want to
12 deal with the weather out here in the north either and have
13 problems with experts coming in and other things. So I really
14 would prefer the spring. And there are a number of things I
15 have in March already that are taking me to Washington and
16 other places so I don't want to break this up. So April looks
17 good. That's what I'm looking at. And you're going to work
18 backwards. I told Judge Schneider that this morning, in fact.
19 So everything we do has to work backwards from getting this
20 ready for that date, some date in April.

21 MS. PARFITT: Excellent. Thank you. Helps a lot.

22 MS. O'DELL: Thank you, Judge.

23 MS. SHARKO: We have one more issue.

24 THE COURT: Sure.

25 MS. SHARKO: I just want to make sure you are aware of

1 it, and then we can deal with Judge Schneider on it if you
2 want, and that is the fact that the evening before the expert
3 reports were due, plaintiffs told us they were going to dismiss
4 one of our picks, one of the six picks. We immediately
5 substituted -- we didn't complain, although I think we could
6 have. We immediately substituted a new case and asked
7 plaintiffs for expert reports. A week or so later, plaintiffs
8 dismissed that case, with prejudice, as to the J&J defendants.
9 We then immediately picked a third replacement, the Bondurant
10 case, and we need deadlines for expert reports. So perhaps
11 Judge Schneider can help us with that. Ms. Parfitt and I tried
12 to work that out this morning and we were unable to,
13 sympathetic, I guess, to the fact that she says they don't have
14 the pathology yet, et cetera. But I think we need dates.

15 THE COURT: Sounds like you do. You need a plan here.
16 Joel, are you going to have some time to talk to these
17 lawyers today?

18 JUDGE SCHNEIDER: I was going to suggest that, that
19 after you're done with your issues, you don't have to stay on
20 the line, and I'll be happy to deal with the parties with the
21 other issues we talked about.

22 THE COURT: So we are hosting this, so, Jackie, can
23 you come on a moment?

24 JUDGE SCHNEIDER: Is it possible, Judge --

25 THE COURT: I want to make somebody a cohost so you

1 can take it over. So, Jackie, can you make someone a cohost so
2 they can continue without us?

3 THE COURTROOM DEPUTY: Sure. Who wants to be the
4 cohost?

5 THE COURT REPORTER: Your Honor, do I stay on or do I
6 leave?

7 THE COURT: No, you can leave, Carol.

8 MS. PARFITT: We can, Your Honor, or Judge Schneider.
9 I don't know who you wish to be the cohost?

10 MS. SHARKO: We'll be the host.

11 JUDGE SCHNEIDER: I'm probably not the right person to
12 do that. I had some technical difficulties. I'm on my little
13 iPhone, so probably someone who knows what they're doing ought
14 to do it.

15 MS. SHARKO: Sounds like Ms. Brennan is the logical
16 candidate.

17 MS. BRENNAN: I can, so go ahead.

18 THE COURT: Okay. Jackie, let's let Jessica Brennan
19 become your cohost, and then we will make sure that you can
20 take it over and then we'll exit and allow you to -- you make
21 good use of your time with Judge Schneider today, since you are
22 all on, and take care of this.

23 We are on, as I said, whatever it is, in about a month
24 or so, to talk more specifically about the trial date, but I
25 have given you now the ballpark month and year, and we just

1 hope things keep going along the way they are so that all of
2 this remains realistic.

3 I will tell you I did do a full in-person criminal
4 jury trial in the beginning of June, and that required 14
5 jurors, and I'll just give you the benefit of this. I know you
6 are all going in different places around the country but I'm
7 talking about New Jersey right now.

8 The state courts, I know, are still doing a hybrid
9 jury selection, remotely, and then you come in.

10 We did total jury selection in the courthouse. It
11 went amazingly well. We had no resistance to serving based on
12 COVID. We follow all protocols in our courthouses still of
13 mask wearing and not six-foot social distancing but about three
14 feet at this point. And we had an eight-day criminal trial and
15 with almost double the jury of what you would get in a civil
16 trial, more than double, and it went very, very well, without a
17 hiccup. And I'm hoping things will be different by April and
18 we will be able to not do even some of these other things, but
19 we had our jurors in the jury box, every other seat, created a
20 row in the front, couple on the end, so I know some
21 jurisdictions put jurors in a gallery. We didn't do that. We
22 got them all in the jury box. For purposes of witnesses,
23 witnesses wore a clear facial shield so we could see their
24 faces. When we individually questioned jurors, they wore a
25 clear mask so we could see them. All kind of little things,

1 though, that allowed us to follow safety protocols but allowed
2 you to see faces.

3 And then I permitted my attorneys to take off their
4 masks to do questioning, openings, et cetera, even though my
5 attorneys were vaccinated, but they did remove masks for that
6 purpose.

7 You had a question, Chris?

8 MR. PLACITELLA: I was going to say sounds like I need
9 to have a conversation with the state bar about another
10 seminar.

11 THE COURT: Right, there you go. Yes.

12 And we have now -- I have successfully completed one,
13 Judge Shipp did, Kugler did, and Hillman. I think Vazquez is
14 doing one as we speak. So we have been doing one in a
15 courthouse at a time, but that we intend to change in
16 September. And we are permitting if someone wants to begin to
17 schedule civil trials now.

18 MR. PLACITELLA: Great.

19 THE COURT: But criminal will remain the priority. If
20 there is a conflict in some way, we are still doing criminal
21 first, but I am committing to you it will not be a conflict if
22 I schedule this in April, it will work, unless the world turns
23 again and we are in a terrible place, and then none of us are
24 doing any of this, but I'm hoping that's not the case, and we
25 will see if we have to follow protocols as this, but it worked

1 very well.

2 I debriefed the jurors about whether they had
3 suggestions for us or what they thought about the experience.
4 Everyone felt very comfortable and they had no recommendations
5 that they would make for changing things, which is pretty
6 unbelievable because, you know, a lot of people don't want to
7 wear a mask all day long, particularly if they have been
8 vaccinated, but we came to the conclusion we really couldn't
9 ask or demand that they be, and we didn't want anyone to think
10 by inquiring, that meant maybe you would not be favored to
11 serve if you were not, so we never got into it, and that's why
12 it was just across-the-board mask-wearing policy, and they
13 didn't mind it in the slightest. And when it came down to
14 deliberate, we asked if they wanted to use -- because we were
15 using Judge Shipp's courtroom next-door when we had large
16 gatherings for overflow. We asked if they wanted to deliberate
17 in his courtroom so they could distance, because during the
18 trial, what we do is we put seven jurors in my jury room, seven
19 in his, when they would take breaks or lunch, and they said no,
20 they were comfortable with all 12 coming in to deliberate in
21 one room, and when I came in to see them, they all had their
22 masks off as they deliberated.

23 But there was maybe a slightly longer jury selection
24 because we used a questionnaire, and the manner in which we did
25 it, and, of course, it's a little different because I had

1 someone who was in custody and shackled, and so how we could do
2 things and bring people in and out was different. We won't
3 have that in a civil case.

4 I'm hoping a lot of this won't be an issue, but I'm
5 pointing out to you, even with those logistical issues, it went
6 very well, and no hybrid, no remote on jury selection, and I'm
7 pleasantly surprised at the willingness of jurors to serve.
8 Maybe they feel like they wanted to get out of their house at
9 this point, and they liked it, but they were good. Or, as
10 one of the judges put to me, maybe it was also the case we were
11 trying which wasn't the run-of-the-mill drug or whatever. It
12 was an attempted murder for hire of an ex-wife, so I think
13 maybe they liked the subject so ...

14 But, okay, in other words, I think we're good. I'm
15 comfortable with trying to schedule this and work with that.

16 So, Joel, I'm going to turn them over to you.
17 Jessica, you're ready to take over or you have as cohost?

18 MS. BRENNAN: (Indicating.)

19 THE COURT: You know what you're doing. I couldn't do
20 this so I'm glad you are.

21 All right. Everybody have a good month. We will see
22 you the next conference.

23 (The proceedings concluded at 12:03 p.m.)

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1 I certify that the foregoing is a correct transcript
2 from the record of proceedings in the above-entitled matter.

3

4 /S/ Carol Farrell, NJ-CRCR, FCRR, RDR, CRR, RMR, CRC, CRI
5 Court Reporter/Transcriber

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7 July 29, 2021
8 Date

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